

## REMARKS

Applicants will address each of the Examiner's objections and rejections in the order in which they appear in the Office Action.

### Claims Rejections - 35 USC §112

#### 35 USC §112, first paragraph

In the Office Action, the Examiner rejects Claims 52-55, 58, 61, 64 and 67 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

In particular, the Examiner states that applicant does not disclose "a second interlayer insulating film formed over the conductive layer, the second interlayer insulating film comprising at least a material selected from the group consisting of silicon nitride, silicon oxide and nitrated silicon oxide;" as recited in Claim 52. The Examiner states that applicant must be referring to passivation film 375, but there is no disclosure of the passivation film comprising at least a material selected from the group consisting of silicon nitride, silicon oxide and nitrated silicon oxide.

Applicants have amended Claim 52 to refer to a passivation film and not a second interlayer insulating film. However, Applicants disagree with the Examiner's remaining rejection.

In embodiment 25 of the present application, at page 96, it states:

"Note that the cross sectional structure of Fig. 28A is exactly the same up to the step of forming the passivation film 375 in accordance with the manufacturing processes explained in embodiment 1, and therefore an explanation will be made in embodiment 25 by focusing only on points that differ from those of embodiment 1." (p. 96, lns. 8-13 of the present application)

The specification goes on to state:

“After first forming the passivation film 375 in accordance with embodiment 1...” (p. 96, ln. 23 – p. 97, ln. 1)

In embodiment 1, there is disclosed at page 31, lns. 19-23 of the present application that a silicon nitride film, a silicon oxide film, or a nitrated silicon oxide film is formed as passivation film 375.

Hence, there is clear support in the specification for this element of Claim 52, and it is respectfully requested that this rejection be withdrawn.

35 USC §112, second paragraph

The Examiner also rejects Claims 52-55, 58, 61, 64 and 67-70 as being indefinite. In particular, the Examiner states that in Claims 52-55, 58, 61, 64 and 67, it is unclear what is the “second interlayer insulation film.” The Examiner believes this is passivation film 375. Applicants have amended the claims to change “second interlayer insulation film” to “passivation film.” This should overcome this objection.

The Examiner also states that there is insufficient antecedent basis for “the second electrode” in Claims 68-70. Applicants have amended the objected to term and the claims so that an antecedent basis is provided. This should overcome this objection.

Accordingly, it is respectfully requested that this rejection be withdrawn.

### Claim Rejections - 35 USC §102

The Examiner also rejects Claims 46 and 47 under 35 USC §102(e) as being anticipated by Kadota et al. This rejection is also respectfully traversed.

In order to advance the prosecution of this application, Applicants have amended independent Claims 46 and 47 to recite the feature that the color filter has a flattened surface. This is shown, for example, in Fig. 28A and discussed on pages 96 and 97 of the present application.

In contrast, Kadota teaches that “the color filter 9 is divided into discrete segments 9R, 9G and 9B, thus presenting a surface having concavities and convexities.” Col. 4, lns. 29-31 of Kadota.

Therefore, Kadota does not disclose or suggest the semiconductor device of Claims 46 and 47, and those claims are patentable thereover. Accordingly, it is requested that this rejection be withdrawn.

### Claim Rejections - 35 USC §103

The Examiner also has the following rejections under 35 USC §103:

- (A) Claims 48-55 as being unpatentable over Kadota '550 in further in view of Seo.
- (B) Claims 56 and 62 as being unpatentable over Kadota '550 and further in view of Ha.
- (C) Claims 57, 58, 63 and 64 as being unpatentable over Kadota '550 and in view of Seo and further in view of Ha.
- (D) Claims 59 and 65 as being unpatentable over Kadota '550 and further in view of Matsumoto.
- (E) Claims 60, 61, 66 and 67 as being unpatentable over Kadota '550 in view of Seo and further in view of Matsumoto.
- (F) Claim 68 as being unpatentable over Kadota '550 in view of Mikoshiba.
- (G) Claim 69 and 70 as being unpatentable over Kadota '550 in view of Seo and further in view of Mikoshiba.

Each of these rejections is respectfully traversed.

Each of these rejections is based on Kadota as a primary reference with other secondary references. In order to advance the prosecution of this application, Applicants have amended independent Claims 46-48, 50, 52 and 54 to recite the feature that the color filter has a flattened surface. As explained above, Kadota does not disclose or suggest this feature. As the other references are not cited to show a color filter, independent Claims 46-48, 50, 52 and 54, and those claims dependent thereon, are patentable over these references.

In order to advance the prosecution of this application, Applicants have amended independent Claims 56-61 to recite that the color filter is formed over the first thin film transistor. This is shown, for example, on page 96, lns. 19-21 of the present application.

Kadota does not disclose or suggest forming a color filter over the switching elements (thin film transistors). As the other references are not cited to show a color filter, independent Claims 56-61, and those claims dependent thereon, are patentable over these references.

Accordingly, for at least the above-stated reasons, it is respectfully requested that these rejections be withdrawn.

#### New Claims

Applicants are adding new dependent Claims 71-88 herewith. For at least the reasons discussed above for the independent claims, these claims are also patentable over the cited references and should be allowed.

If any fee is due for these claims, please charge our deposit account 50/1039.

IDS

Applicants are including herewith an information disclosure statement. It is respectfully requested that this IDS be considered prior to any further action being entered in this case.

Conclusion

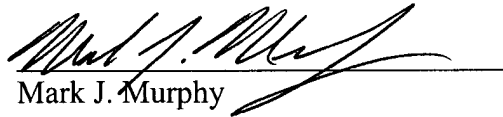
It is respectfully submitted that all of the rejections and objections in the Office Action have now been overcome. Accordingly, the application is now in a condition for allowance.

If any fee is due for this amendment, please charge our Deposit Account No. 50-1039.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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